

1 **BEFORE THE STATE BOARD OF EDUCATION**

2
3 STEVE CANAVERO, INTERIM
4 SUPERINTENDENT OF PUBLIC
INSTRUCTION, DEPARTMENT OF
EDUCATION, STATE OF NEVADA,

5 Petitioner,

6 v.

7 KELLY HOFFMAN,

8 Respondent.
9

CASE NO. 16-01

[PROPOSED]
FINDINGS OF FACT,
CONCLUSIONS OF LAW, AND
ORDER

10 This matter came before the State Board of Education at its regularly scheduled
11 meeting on April 28, 2016, in Carson City and Las Vegas by video conference, at the time,
12 date and place noticed for this matter. Superintendent of Public Instruction, Steven Canavero,
13 Department of Education, State of Nevada ("Petitioner"), was present and represented by
14 Deputy Attorney General Gregory D. Ott; Respondent KELLY HOFFMAN ("Respondent") was
15 not present nor represented by counsel.

16 **FINDINGS OF FACT**

17 Based upon the record and evidence presented, the State Board of Education makes
18 the following Findings of Fact:

19 1. Steven Canavero, in his official capacity as Superintendent of Public Instruction,
20 Department of Education, State of Nevada, made and filed the Petition and Recommendation
21 for Revocation of License and Notice of Right to Hearing ("Petition and Notice") on February
22 10, 2016. The Petition and Notice were mailed as required by NRS Chapter 391, providing
23 proper notice to Respondent.

24 2. Respondent did not request a hearing before a hearing officer pursuant to NRS
25 391.322 and failed to present anything at the Board hearing.

26 3. Respondent is the holder of License No. 24703 issued by the Superintendent of
27 Public Instruction, Department of Education, State of Nevada, pursuant to the provisions of
28 Chapter 391 of the Nevada Revised Statutes (the "license"). Such license is as follows:

1 Secondary (7-12) Physical Education and Health, Social Studies; Special (K-12) Physical
2 Education. The license is set to expire on February 4, 2017.

3 4. The following documents were admitted as exhibits and presented at the
4 hearing: Exhibit 1, the Affidavit of Karen Johansen, which includes the Petition and Notice as
5 Exhibit 1A, the certified mail receipt for service of the Petition and Notice as Exhibit 1B, the
6 Notice of Intent to Consider Character, Misconduct, Competence or Health of a Person
7 ("Open Meeting Law Notice"), submitted as Exhibit 1C; and the certified mail receipt for
8 service of the Open Meeting Law Notice, submitted as Exhibit 1D; and Exhibit 2, the Affidavit
9 of Michael Arakawa, which includes Respondent's license as Exhibit 2A, a copy of the
10 Judgment of Conviction as Exhibit 2B, and a copy of the Guilty Plea Agreement as Exhibit 2C.

11 5. Respondent was convicted of the crimes of Count 1: LURING CHILDREN OR
12 MENTALLY ILL PERSONS WITH THE INTENT TO ENGAGE IN SEXUAL CONDUCT
13 (Category B Felony) in violation of NRS 201.560, and Count 2: STATUTORY SEXUAL
14 SEDUCTION (Category C Felony) in violation of NRS 200.364, 200.368, as evidenced by the
15 copy of the Judgment of Conviction (Exhibit 2B).

16 **CONCLUSIONS OF LAW**

17 Based upon the foregoing Findings of Fact, the State Board of Education makes the
18 following Conclusions of Law:

19 1. Pursuant to NRS 391.320, "[t]he State Board of Education may suspend or
20 revoke the license of any teacher for any cause specified by law."

21 2. Respondent's conviction of the crimes of Count 2: Criminal Mischief: Intentional
22 Damage Deface, Destroy Property (3rd Degree Felony) in violation of Section 76-6-106(2),
23 Utah Code Annotated 1953 as amended and Count 3: Assault, a Class B Misdemeanor, in
24 violation of Section 76-5-102, Utah Code Annotated, 1953 as amended, constitutes immoral
25 or unprofessional conduct, a ground for revocation under NRS 391.330(1).

26 4. Respondent's conviction of the crimes of Count 1: LURING CHILDREN OR
27 MENTALLY ILL PERSONS WITH THE INTENT TO ENGAGE IN SEXUAL CONDUCT
28 (Category B Felony) in violation of NRS 201.560, and Count 2: STATUTORY SEXUAL

1 SEDUCTION (Category C Felony) in violation of NRS 200.364, 200.368, is evident unfitness
2 for service as a licensed teacher, a ground for revocation under NRS 391.330(2).

3 5. Respondents conviction of the crimes of Count 1: LURING CHILDREN OR
4 MENTALLY ILL PERSONS WITH THE INTENT TO ENGAGE IN SEXUAL CONDUCT
5 (Category B Felony) in violation of NRS 201.560, and Count 2: STATUTORY SEXUAL
6 SEDUCTION (Category C Felony) in violation of NRS 200.364, 200.368, is a conviction of a
7 felony and a crime of moral turpitude, a ground for revocation under NRS 391.330(4).

8 **ORDER**

9 Based upon the foregoing Findings of Fact, Conclusions of Law and the record herein,
10 IT IS HEREBY ORDERED THAT the teacher's license held by KELLY HOFFMAN is
11 revoked pursuant to NRS 391.330(1), (2), and (4). NRS 391.320.

12 DATED this _____ day of _____ 2016.

13
14
15 _____
16 Elaine Wynn, President

17
18 Respectfully Submitted by:

19 ADAM PAUL LAXALT
20 Attorney General

21 By: _____
22 GREGORY D. OTT
23 Deputy Attorney General
24 *Attorneys for Dale A.R. Erquiaga,*
25 *Superintendent of Public Instruction,*
26 *Department of Education,*
27 *State of Nevada*
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Kelly Hoffman #1149367
High Desert Prison
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Indian Springs, NV 89070

Steven Canavero
Superintendent of Public Instruction
700 E. Fifth Street
Carson City, Nevada 89701

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BEFORE THE STATE BOARD OF EDUCATION

STEVEN CANAVERO, INTERIM
SUPERINTENDENT OF PUBLIC
INSTRUCTION, DEPARTMENT OF
EDUCATION, STATE OF NEVADA,

Petitioner,

v.

KELLY HOFFMAN,

Respondent.

CASE NO. 16-01

AFFIDAVIT OF MICHAEL ARAKAWA

STATE OF NEVADA)

ss.

CARSON CITY)

I, MICHAEL ARAKAWA, being first duly sworn, state under penalty of perjury that the following is true:

1. That I am over the age of twenty-one (21) and competent to testify to the facts in this Affidavit.

2. I am employed by the State of Nevada, Department of Education as a Teacher Licensing Analyst. I have been employed in by the Department of Education since July 2014.

3. Attached hereto as Exhibit 2A is a true and correct copy of KELLY HOFFMAN's License.

4. Attached hereto as Exhibit 2B is a true and correct copy of the Judgement of Conviction, received from the Court.

5. Attached hereto as Exhibit 2C is a true and correct copy of the Guilty Plea Agreement, received from the Court.

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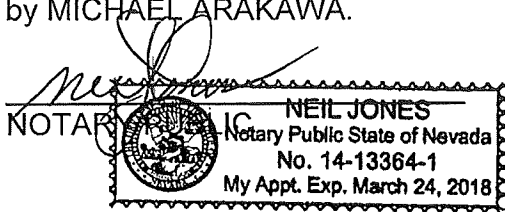
6. These documents are kept by the Department of Education in the normal course of business.

Further your Affiant sayeth naught.

DATED this 14 day of April, 2016


MICHAEL ARAKAWA
Affiant

SIGNED and SWORN to before me
this 14th day of APRIL, 2016,
by MICHAEL ARAKAWA.



Office of the Attorney General
100 North Carson Street
Carson City, NV 89701-4717

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Exhibit List

Exhibit No.	Title	Page
2A	License	1
2B	Judgment of Conviction	2
2C	Guilty Plea Agreement	10

Exhibit “2A”

Exhibit “2A”

State of Nevada

License for Educational Personnel

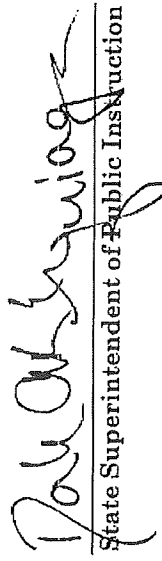
License No. 0000024703

This License Certifies That

Kelly R Hoffman

Has complied with the prescribed rules and regulations of the Commission on Professional Standards in Education and that the Superintendent of Public Instruction has granted this license which authorizes the holder to provide service in the schools of the State of Nevada in the following areas:

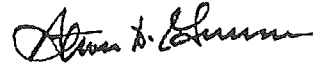
Type of License	Kind of License	Issued	Endorsements	Expires	Provision Code(s) (See reverse for explanation)
STANDARD	SECONDARY	7-12	2/3/2012	PHYSICAL EDUCATION AND HEALTH(2/14/2006)	2/4/2017
STANDARD	SPECIAL	K-12	2/3/2012	SOCIAL STUDIES(2/14/2006) PHYSICAL EDUCATION(2/14/2006)	2/4/2017


State Superintendent of Public Instruction

Each teacher or other educational employee who is required to hold a license is responsible for securing, maintaining and renewing his/her license [NAC 391.025(1)].
teachers.nv.gov

Exhibit “2B”

Exhibit “2B”



CLERK OF THE COURT

JOCP

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

CASE NO. C307444-1

-vs-

DEPT. NO. IV

KELLY RAY HOFFMAN
#3007387

Defendant.

JUDGMENT OF CONVICTION
(PLEA OF GUILTY)

The Defendant previously appeared before the Court with counsel and entered a plea of guilty to the crimes of COUNT 1 – LURING CHILDREN OR MENTALLY ILL PERSONS WITH THE INTENT TO ENGAGE IN SEXUAL CONDUCT (Category B Felony) in violation of NRS 201.560, and COUNT 2 – STATUTORY SEXUAL SEDUCTION (Category C Felony) in violation of NRS 200.364, 200.368; thereafter, on the 27th day of October, 2015, the Defendant was present in court for sentencing with his counsel DAVID LOPEZ-NEGRETE, Deputy Public Defender, and good cause appearing,

THE DEFENDANT IS HEREBY ADJUDGED guilty of said offenses and, in addition to the \$25.00 Administrative Assessment Fee, Restitution in the amount of \$666.00, and \$150.00 DNA Analysis Fee including testing to determine genetic

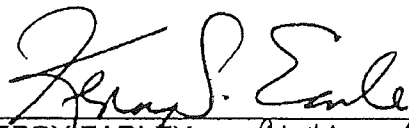
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1 markers, plus a \$3.00 DNA Collection Fee, the Defendant is sentenced as follows: As
2 to COUNT 1 - TO A MAXIMUM of SIXTY (60) MONTHS with a MINIMUM parole
3 eligibility of TWENTY-FOUR (24) MONTHS in the Nevada Department of Corrections
4 (NDC), and as to COUNT 2 - TO A MAXIMUM of SIXTY (60) MONTHS with a
5 MINIMUM parole eligibility of TWENTY-FOUR (24) MONTHS in the Nevada
6 Department of Corrections (NDC), Count 2 to run CONCURRENT with Count 1; with
7 ONE HUNDRED NINETY-SIX (196) days Credit for Time Served.
8

9
10 FURTHER ORDERED, a SPECIAL SENTENCE of LIFETIME SUPERVISION
11 is imposed to commence upon release from any term of imprisonment, probation or
12 parole. In addition, before the Defendant is eligible for parole, a panel consisting of
13 the Administrator of the Mental Health and Development Services of the Department
14 of Human Resources or his designee; the Director of the Department of Corrections or
15 his designee; and a psychologist licensed to practice in this state; or a psychiatrist
16 licensed to practice medicine in Nevada must certify that the Defendant does not
17 represent a high risk to re-offend based on current accepted standards of assessment.
18

19 ADDITIONALLY, the Defendant is ORDERED to REGISTER as a sex offender
20 in accordance with NRS 179D.460 within FORTY-EIGHT (48) HOURS after any
21 release from custody.
22

23 DATED this 27th day of October, 2015.

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26 KERRY EARLEY *CEM*
27 DISTRICT COURT JUDGE
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CERTIFIED COPY
DOCUMENT ATTACHED IS A
TRUE AND CORRECT COPY
OF THE ORIGINAL ON FILE


CLERK OF THE COURT

11-18-15

Exhibit “2C”

Exhibit “2C”

1 **GPA**
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 ERCAN E. ISCAN
6 Chief Deputy District Attorney
7 Nevada Bar #009592
8 200 Lewis Avenue
9 Las Vegas, NV 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

6
FILED IN OPEN COURT
STEVEN D. GRIERSON
CLERK OF THE COURT

JUL 14 2015

BY, *Roshonda Mayfield*
ROSHONDA MAYFIELD, DEPUTY

7 **DISTRICT COURT**
8 **CLARK COUNTY, NEVADA**

9 THE STATE OF NEVADA,
10 Plaintiff,

11 -vs-

12 KELLY RAY HOFFMAN,
13 #3007387

14 Defendant.

CASE NO: C-15-307444-1

DEPT NO: IV

15 **GUILTY PLEA AGREEMENT**

16 I hereby agree to plead guilty to: COUNT 1 - LURING CHILDREN OR
17 MENTALLY ILL PERSONS WITH THE INTENT TO ENGAGE IN SEXUAL
18 CONDUCT (Category B Felony - NRS 201.560 - NOC 51081) and COUNT 2 -
19 STATUTORY SEXUAL SEDUCTION (Category C Felony - NRS 200.364, 200.368 -
20 NOC 50115) as more fully alleged in the charging document attached hereto as Exhibit "1".

21 My decision to plead guilty is based upon the plea agreement in this case which is as
22 follows:

23 The State retains the right to argue at the rendition of sentence with both parties
24 stipulating to Counts being sentenced concurrently. Both parties waive any/all defects in the
25 pleadings.

26 I agree to the forfeiture of any and all electronic storage devices, computers, and/or
27 related equipment and/or weapons or any interest in any electronic storage devices, computers
28 and/or related equipment and/or weapons seized and/or impounded in connection with the

1 instant case and/or any other case negotiated in whole or in part in conjunction with this plea
2 agreement.

3 I understand and agree that, if I fail to interview with the Department of Parole and
4 Probation (P&P), fail to appear at any subsequent hearings in this case, or an independent
5 magistrate, by affidavit review, confirms probable cause against me for new criminal charges
6 including reckless driving or DUI, but excluding minor traffic violations, the State will have
7 the unqualified right to argue for any legal sentence and term of confinement allowable for the
8 crime(s) to which I am pleading guilty, including the use of any prior convictions I may have
9 to increase my sentence as an habitual criminal to five (5) to twenty (20) years, Life without
10 the possibility of parole, Life with the possibility of parole after ten (10) years, or a definite
11 twenty-five (25) year term with the possibility of parole after ten (10) years.

12 Otherwise I am entitled to receive the benefits of these negotiations as stated in this
13 plea agreement.

14 CONSEQUENCES OF THE PLEA

15 I understand that by pleading guilty I admit the facts which support all the elements of
16 the offense(s) to which I now plead as set forth in Exhibit "1".

17 I understand that as a consequence of my plea of guilty as to

18 Count 1, the Court must sentence me to imprisonment in the Nevada Department of
19 Corrections for a minimum term of not less than one (1) year and a maximum term of not more
20 than ten (10) years. The minimum term of imprisonment may not exceed forty percent (40%)
21 of the maximum term of imprisonment. I understand that I may also be fined up to \$5,000.00;
22 and, as to

23 Count 2, the Court must sentence me to imprisonment in the Nevada Department of
24 Corrections for a minimum term of not less than one (1) year and a maximum term of not more
25 than five (5) years. The minimum term of imprisonment may not exceed forty percent (40%)
26 of the maximum term of imprisonment. I understand that I may also be fined up to \$10,000.00.

27 I understand that the law requires me to pay an Administrative Assessment Fee.

28 //

1 I understand that, if appropriate, I will be ordered to make restitution to the victim of
2 the offense(s) to which I am pleading guilty and to the victim of any related offense which is
3 being dismissed or not prosecuted pursuant to this agreement. I will also be ordered to
4 reimburse the State of Nevada for any expenses related to my extradition, if any.

5 I understand that if I am pleading guilty to charges of Burglary, Invasion of the Home,
6 Possession of a Controlled Substance with Intent to Sell, Sale of a Controlled Substance, or
7 Gaming Crimes, for which I have prior felony conviction(s), I will not be eligible for probation
8 and may receive a higher sentencing range.

9 I understand that pursuant to NRS 176.139 and my plea of guilty to a sexual offense for
10 which the suspension of sentence or the granting of probation is permitted, P&P shall arrange
11 for a psychosexual evaluation as part of the Division's Presentence Investigation (PSI) Report
12 to the court.

13 I understand that I am not eligible for probation pursuant to NRS 176A.110 unless the
14 psychosexual evaluation certifies that I do not represent a high risk to reoffend based upon a
15 currently accepted standard of assessment. I understand that, except as otherwise provided by
16 statute, the question of whether I receive probation is in the discretion of the sentencing judge.

17 I understand that, before I am eligible for parole a panel consisting of the Administrator
18 of the Mental Health and Developmental Services of the Department of Human Resources or
19 his designee; the Director of the Department of Corrections or his designee; and a psychologist
20 licensed to practice in this state or a psychiatrist licensed to practice medicine in this state
21 certifies that I was under observation while confined in an institution of the department of
22 corrections and that I do not represent a high risk to reoffend based upon a currently accepted
23 standard of assessment.

24 I understand that, pursuant to NRS 176.0931, the Court must include as part of my
25 sentence, in addition to any other penalties provided by law, a special sentence of lifetime
26 supervision commencing after any period of probation or any term of imprisonment and period
27 of release upon parole.

28 //

1 I understand that the Court will include as part of my sentence, in addition to any other
2 penalties provided by law, pursuant to NRS 179D.441 to 179D.550, inclusive, I must register
3 as a sex offender within forty-eight (48) hours of release from custody onto probation or parole.

4 I understand that I must submit to blood and/or saliva tests under the direction of P&P
5 to determine genetic markers and/or secretor status.

6 I understand that if more than one sentence of imprisonment is imposed and I am
7 eligible to serve the sentences concurrently, the sentencing judge has the discretion to order
8 the sentences served concurrently or consecutively.

9 I understand that information regarding charges not filed, dismissed charges, or charges
10 to be dismissed pursuant to this agreement may be considered by the judge at sentencing.

11 I have not been promised or guaranteed any particular sentence by anyone. I know that
12 my sentence is to be determined by the Court within the limits prescribed by statute.

13 I understand that if my attorney or the State of Nevada or both recommend any specific
14 punishment to the Court, the Court is not obligated to accept the recommendation.

15 I understand that if the State of Nevada has agreed to recommend or stipulate a
16 particular sentence or has agreed not to present argument regarding the sentence, or agreed not
17 to oppose a particular sentence, such agreement is contingent upon my appearance in court on
18 the initial sentencing date (and any subsequent dates if the sentencing is continued). I
19 understand that if I fail to appear for the scheduled sentencing date or I commit a new criminal
20 offense prior to sentencing the State of Nevada would regain the full right to argue for any
21 lawful sentence.

22 I understand if the offense(s) to which I am pleading guilty to was committed while I
23 was incarcerated on another charge or while I was on probation or parole that I am not eligible
24 for credit for time served toward the instant offense(s).

25 I understand that if I am not a United States citizen, any criminal conviction will likely
26 result in serious negative immigration consequences including but not limited to:

- 27 1. The removal from the United States through deportation;
- 28 2. An inability to reenter the United States;

3. The inability to gain United States citizenship or legal residency;
4. An inability to renew and/or retain any legal residency status; and/or
5. An indeterminate term of confinement, with the United States Federal Government based on my conviction and immigration status.

Regardless of what I have been told by any attorney, no one can promise me that this conviction will not result in negative immigration consequences and/or impact my ability to become a United States citizen and/or a legal resident.

I understand that P&P will prepare a report for the sentencing judge prior to sentencing. This report will include matters relevant to the issue of sentencing, including my criminal history. This report may contain hearsay information regarding my background and criminal history. My attorney and I will each have the opportunity to comment on the information contained in the report at the time of sentencing. Unless the District Attorney has specifically agreed otherwise, then the District Attorney may also comment on this report.

WAIVER OF RIGHTS

By entering my plea of guilty, I understand that I am waiving and forever giving up the following rights and privileges:

1. The constitutional privilege against self-incrimination, including the right to refuse to testify at trial, in which event the prosecution would not be allowed to comment to the jury about my refusal to testify.
2. The constitutional right to a speedy and public trial by an impartial jury, free of excessive pretrial publicity prejudicial to the defense, at which trial I would be entitled to the assistance of an attorney, either appointed or retained. At trial the State would bear the burden of proving beyond a reasonable doubt each element of the offense(s) charged.
3. The constitutional right to confront and cross-examine any witnesses who would testify against me.
4. The constitutional right to subpoena witnesses to testify on my behalf.
5. The constitutional right to testify in my own defense.

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1 6. The right to appeal the conviction with the assistance of an attorney,
2 either appointed or retained, unless specifically reserved in writing and
3 agreed upon as provided in NRS 174.035(3). I understand this means I
4 am unconditionally waiving my right to a direct appeal of this conviction,
5 including any challenge based upon reasonable constitutional,
6 jurisdictional or other grounds that challenge the legality of the
7 proceedings as stated in NRS 177.015(4). However, I remain free to
8 challenge my conviction through other post-conviction remedies
9 including a habeas corpus petition pursuant to NRS Chapter 34.

10 VOLUNTARINESS OF PLEA

11 I have discussed the elements of all of the original charge(s) against me with my
12 attorney and I understand the nature of the charge(s) against me.

13 I understand that the State would have to prove each element of the charge(s) against
14 me at trial.

15 I have discussed with my attorney any possible defenses, defense strategies and
16 circumstances which might be in my favor.

17 All of the foregoing elements, consequences, rights, and waiver of rights have been
18 thoroughly explained to me by my attorney.

19 I believe that pleading guilty and accepting this plea bargain is in my best interest, and
20 that a trial would be contrary to my best interest.

21 I am signing this agreement voluntarily, after consultation with my attorney, and I am
22 not acting under duress or coercion or by virtue of any promises of leniency, except for those
23 set forth in this agreement.

24 I am not now under the influence of any intoxicating liquor, a controlled substance or
25 other drug which would in any manner impair my ability to comprehend or understand this
26 agreement or the proceedings surrounding my entry of this plea.

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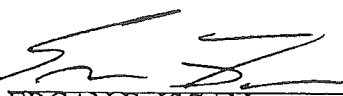
1 My attorney has answered all my questions regarding this guilty plea agreement and its
2 consequences to my satisfaction and I am satisfied with the services provided by my attorney.

3 DATED this 14 day of ~~June~~, 2015.

4 July

5 
6 KELLY RAY HOFFMAN
7 Defendant

8 AGREED TO BY:

9 
10 ERCAN E. ISCAN
11 Chief Deputy District Attorney
12 Nevada Bar #009592
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1 CERTIFICATE OF COUNSEL:

2 I, the undersigned, as the attorney for the Defendant named herein and as an officer of
3 the court hereby certify that:

- 4 1. I have fully explained to the Defendant the allegations contained in the
5 charge(s) to which guilty pleas are being entered.
- 6 2. I have advised the Defendant of the penalties for each charge and the
7 restitution that the Defendant may be ordered to pay.
- 8 3. I have inquired of Defendant facts concerning Defendant's immigration
9 status and explained to Defendant that if Defendant is not a United States
10 citizen any criminal conviction will most likely result in serious negative
11 immigration consequences including but not limited to:
- 12 a. The removal from the United States through deportation;
- 13 b. An inability to reenter the United States;
- 14 c. The inability to gain United States citizenship or legal residency;
- 15 d. An inability to renew and/or retain any legal residency status;
16 and/or
- 17 e. An indeterminate term of confinement, by with United States
18 Federal Government based on the conviction and immigration
19 status.

20 Moreover, I have explained that regardless of what Defendant may have
21 been told by any attorney, no one can promise Defendant that this
22 conviction will not result in negative immigration consequences and/or
23 impact Defendant's ability to become a United States citizen and/or legal
24 resident.

- 25 4. All pleas of guilty offered by the Defendant pursuant to this agreement
26 are consistent with the facts known to me and are made with my advice
27 to the Defendant.
- 28 5. To the best of my knowledge and belief, the Defendant:
- a. Is competent and understands the charges and the consequences of
pleading guilty as provided in this agreement,
- b. Executed this agreement and will enter all guilty pleas pursuant
hereto voluntarily, and
- c. Was not under the influence of intoxicating liquor, a controlled
substance or other drug at the time I consulted with the Defendant
as certified in paragraphs 1 and 2 above.

Dated: This 14 day of June, 2015.

hjc/SVU

ATTORNEY FOR DEFENDANT



CLERK OF THE COURT

1 INFM
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 ERCAN E. ISCAN
6 Chief Deputy District Attorney
7 Nevada Bar #009592
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

12 I.A. 06/30/2015
13 1:00 PM
14 PUBLIC DEFENDER

DISTRICT COURT
CLARK COUNTY, NEVADA

15 THE STATE OF NEVADA,
16
17 Plaintiff,

CASE NO: C-15-307444-1

18 -vs-

DEPT NO: IV

19 KELLY RAY HOFFMAN,
20 #3007387

21 Defendant.

INFORMATION

22 STATE OF NEVADA)
23) ss.
24 COUNTY OF CLARK)

25 STEVEN B. WOLFSON, District Attorney within and for the County of Clark, State
26 of Nevada, in the name and by the authority of the State of Nevada, informs the Court:

27 That **KELLY RAY HOFFMAN**, the Defendant above named, having committed the
28 crimes of **COUNT 1 - LURING CHILDREN OR MENTALLY ILL PERSONS WITH**
THE INTENT TO ENGAGE IN SEXUAL CONDUCT (Category B Felony - NRS
201.560 - NOC 51081) and COUNT 2 - STATUTORY SEXUAL SEDUCTION (Category
C Felony - NRS 200.364, 200.368 - NOC 50115) in the manner following:

That the said Defendant, on or about the 14th day of April, 2015, at and within the
County of Clark, State of Nevada, contrary to the form, force and effect of statutes in such
cases made and provided, and against the peace and dignity of the State of Nevada,

//

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EXHIBIT "1"

1 COUNT 1 - LURING CHILDREN OR MENTALLY ILL PERSONS WITH THE INTENT
2 TO ENGAGE IN SEXUAL CONDUCT

3 did, then and there, willfully and feloniously and knowingly contact or communicate
4 with, or attempt to contact or communicate with D.T., who is less than 16 years of age and
5 who is at least 5 years younger than the defendant, or a person who the defendant believed to
6 be a child less than 16 years of age and at least 5 years younger than the defendant, regardless
7 of the actual age of the person, with the intent to persuade, lure or transport the said child away
8 from her home or from any location known to her parent or guardian or other person legally
9 responsible for the child without the express consent of the parent or guardian or other person
10 legally responsible for the child and with the intent to avoid the consent of the parent or
11 guardian or other person legally responsible for the child, the Defendant committing the crime
12 in the following manner, to-wit: by texting the said D.T. to come to his residence to engage in
13 sexual conduct, Defendant possessing the intent to engage in sexual conduct with the child or
14 mentally ill person or to cause the child or mentally ill person to engage in sexual conduct.

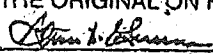
15 COUNT 2 - STATUTORY SEXUAL SEDUCTION

16 did, then and there, willfully, unlawfully and feloniously engage in fellatio and/or
17 cunnilingus and/or digital penetration with D.T., a child under the age of sixteen years, the
18 Defendant being 21 years of age or older, by said Defendant placing his penis and/or mouth
19 and/or tongue and/or finger(s) on and/or into the genital opening of the said D.T.

20 STEVEN B. WOLFSON
21 Clark County District Attorney
22 Nevada Bar #001565

23 BY /s/ ERCAN E. ISCAN
24 ERCAN E. ISCAN
25 Chief Deputy District Attorney
26 Nevada Bar #009592

27 DA#15FH0550X/hjc/SVU
28 LVMPD-EV#1504121069
(TKNA) CERTIFIED COPY
DOCUMENT ATTACHED IS A
TRUE AND CORRECT COPY
OF THE ORIGINAL ON FILE


CLERK OF THE COURT

11-18-15

BEFORE THE STATE BOARD OF EDUCATION

STEVEN CANAVERO, INTERIM
SUPERINTENDENT OF PUBLIC
INSTRUCTION, DEPARTMENT OF
EDUCATION, STATE OF NEVADA,

Petitioner,

v.

KELLY HOFFMAN,

Respondent.

CASE NO. 16-01

DECLARATION OF KAREN JOHANSEN

I, KAREN JOHANSEN, declare that the following is true:

1. That I am over the age of twenty-one (21) and competent to testify to the facts in this Affidavit.

2. That I am employed by the State of Nevada, Department of Education as an Administrative Assistant III, and I am assigned as the assistant to the State Board of Education. I have been employed by the Department of Education since July 2009.

3. That attached hereto are true and correct copies of the following Board of Education documents as kept in the normal course of business: the Petition and Recommendation for Revocation of License and Notice of Right to Hearing ("Petition and Notice"), submitted as Exhibit 1A; the certified mail receipt for service of the Petition and Notice, submitted as Exhibit 1B; the Notice of Intent to Consider Character, Misconduct,

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1 Competence or Health of a Person ("Open Meeting Law Notice"), submitted as Exhibit 1C;
2 and the certified mail receipt for service of the Open Meeting Law Notice, submitted as Exhibit
3 1D.

4 4. I declare under penalty of perjury that the foregoing is true and correct.
5

6 Executed on this 15 day of April 2016

7 
8 KAREN JOHANSEN.
9 Declarant

Exhibit List

Exhibit No.	Title	Page
1A	Petition and Notice	20
1B	Certified Mail Receipt for service of the Petition and Notice	1
1C	Open Meeting Law Notice	2
1D	Certified Mail Receipt for service of the Open Meeting Law Notice	1

Exhibit “1A”

Exhibit “1A”

BEFORE THE STATE BOARD OF EDUCATION

STEVE CANAVERO, INTERIM
SUPERINTENDENT OF PUBLIC
INSTRUCTION, DEPARTMENT OF
EDUCATION, STATE OF NEVADA,

Petitioner,

v.

KELLY HOFFMAN,

Respondent.

CASE NO. 16-01

PETITION AND RECOMMENDATION FOR REVOCATION OF LICENSE AND

NOTICE OF RIGHT TO HEARING

Steven Canavero, Interim Superintendent of Public Instruction, Department of Education, State of Nevada ("Petitioner"), hereby petitions the State Board of Education for the revocation of the teacher license held by KELLY HOFFMAN ("Respondent" or "Mr. Hoffman"), issued by the Nevada Department of Education. This Petition and Recommendation for Revocation of License and Notice of Right to Hearing ("Petition and Recommendation") is supported by NRS 391.320, NRS 391.330, and the following allegations:

I. Jurisdiction

Respondent was, at the relevant times mentioned in this Petition and Recommendation, the holder of License No. 24703 issued on or about February 3, 2012 by the Superintendent of Public Instruction, Department of Education, State of Nevada, pursuant to the provisions of Chapter 391 of the Nevada Revised Statutes (the "license"). Such license is as follows: Secondary (7-12) Physical Education and Health, Social Studies; Special (K-12) Physical Education. The license is set to expire on February 4, 2017.

Petitioner hereby files this Petition and Recommendation in his official capacity as Interim Superintendent of Public Instruction, Department of Education, State of Nevada. NRS 391.322. The State Board of Education may revoke or suspend Respondent's license, if recommended by the Superintendent of Public Instruction or the Board of Trustees of a School

1 District, after notice and opportunity for hearing, based upon the NRS 391.330 grounds for
2 suspension and revocation. NRS 391.320; NRS 391.322; NRS 391.330.

3 **II. Factual Allegations**

4 On or about November 3, 2015, the Eighth Judicial District Court, in and for Clark County,
5 State of Nevada, entered a Judgment of Conviction (Plea of Guilty) convicting Respondent of the
6 crime of Count 1: LURING CHILDREN OR MENTALLY ILL PERSONS WITH THE INTENT TO
7 ENGAGE IN SEXUAL CONDUCT (Category B Felony) in violation of NRS 201.560, and Count
8 2: STATUTORY SEXUAL SEDUCTION (Category C Felony) in violation of NRS 200.364,
9 200.368. A copy of the Judgment of Conviction is attached hereto as **Exhibit A** and is fully
10 incorporated herein. According to the Guilty Plea Agreement, Respondent admitted to the facts
11 supporting all the elements of the crime of luring children or mentally ill persons with the intent to
12 engage in sexual conduct, a Category B felony, and statutory sexual seduction, a Category C
13 felony. A copy of the Guilty Plea Agreement is attached hereto as **Exhibit B** and is fully
14 incorporated herein.

15 According to the Judgment of Conviction, Respondent was adjudged guilty of the crime of
16 luring children or mentally ill persons with the intent to engage in sexual conduct, a Category B
17 felony, and statutory sexual seduction, a Category C felony. Respondent was sentenced as to
18 Count 1 to a maximum of sixty (60) months with a minimum parole eligibility of twenty-four (24)
19 months in the Nevada Department of Corrections (NDC), and as to Count 2 a maximum of sixty
20 (60) months with a minimum parole eligibility of twenty-four (24) months in the Nevada
21 Department of Corrections (NDC), Count 2 to run concurrent with Count 1; with one hundred
22 ninety-six (196) days Credit for Time Served and further ordered to register as a sex offender
23 after any release from custody and a special sentence of lifetime supervision..

24 **III. Legal Allegations:**

25 NRS 391.330, as follows in pertinent part:

- 26 1. Immoral or unprofessional conduct.
27 2. Evident unfitness for service.

28 ///

....
4. Conviction of a felony or crime involving moral turpitude.

By committing the acts that constituted the crime of luring children or mentally ill persons with the intent to engage in sexual conduct, a violation of NRS 201.210, a Category B felony, and statutory sexual seduction, in violation of NRS 200.364, 200.368, a Category C felony, and being convicted of those crimes, Respondent has subjected his license to revocation or suspension by violation of the following:

- (a) NRS 391.330(1) immoral or unprofessional conduct;
- (b) NRS 391.330(2) evident unfitness for service; and
- (c) NRS 391.330(4) conviction of a crime involving moral turpitude.

IV. Notice of Right to Hearing

Respondent Mr. Hoffman is hereby given notice of the recommendation by the Superintendent of Public Instruction for the revocation of his license. The protocol and procedure for the suspension or revocation of a license are set forth in NRS 391.320 to 391.361, inclusive. Mr. Hoffman has the right to a hearing on this Petition and Recommendation before a hearing officer, who will be selected pursuant to NRS 391.322, NRS 391.323, and NRS 391.355, to answer the allegations of the Petition and Recommendation and to present evidence and argument on all issues involved, either personally or through an attorney.

If Mr. Hoffman desires a hearing before a hearing officer, he must file a written request within **fifteen (15) days** from the receipt of this Petition and Recommendation as provided in NRS 391.322. Mr. Hoffman's request should be addressed to the Superintendent of Public Instruction, Nevada Department of Education, 700 East 5th Street, Carson City, Nevada, 89701-5096. If Mr. Hoffman requests a hearing, a hearing officer will be selected pursuant to NRS 391.322, and that hearing officer will notify Mr. Hoffman, in writing, of the time and

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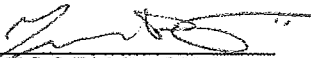
1 location of the hearing not less than 10 days before the hearing. If no request for a hearing is
2 filed within the time specified, the State Board of Education may suspend or revoke Mr.
3 Hoffman's license or take no action on the recommendation.

4 WHEREFORE, Petitioner prays that the State Board of Education issue its decision to
5 revoke Mr. Hoffman's license.

6
7 DATED this 5th day of February 2016.

8
9 ADAM PAUL LAXALT
10 Attorney General

11 By:


12 GREGORY D. OTT
13 Deputy Attorney General
14 100 N. Carson Street
15 Carson City, Nevada 89701-4717
16 775-684-1229
17 *Attorneys for the State of Nevada,*
18 *Department of Education*

CERTIFICATE OF SERVICE

I certify that I am an employee of the State of Nevada, Office of the Attorney General, and that on this 8th day of February 2016, I served a true and correct copy of the foregoing **Petition and Recommendation for Revocation of License and Notice of Right to Hearing** via U.S. Mail and certified mail return receipt requested to:

Kelly Hoffman #1149367
High Desert Prison
22010 Cold Creek Rd,
Indian Springs, NV 89070

Certified Mail Receipt # 7012 1640 0001 2579 5464

In addition, a true and correct copy of the foregoing **Petition and Recommendation for Revocation of License and Notice of Right to Hearing** was sent via electronic service to:

Steve Canavero
Interim Superintendent of Public Instruction
700 E. Fifth Street
Carson City, Nevada 89701

Heather Cooney
An employee of the State of Nevada
Office of the Attorney General

Office of the Attorney General
100 North Carson Street
Carson City, NV 89701-4717

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EXHIBIT INDEX

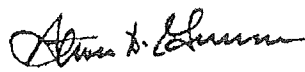
Exhibit	DESCRIPTION	Number of Pages
A	Judgment of Conviction	2
B	Guilty Plea Agreement	10

Office of the Attorney General
100 North Carson Street
Carson City, NV 89701-4717

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EXHIBIT A

EXHIBIT A



CLERK OF THE COURT

JOCP

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

KELLY RAY HOFFMAN
#3007387

Defendant.

CASE NO. C307444-1

DEPT. NO. IV

JUDGMENT OF CONVICTION
(PLEA OF GUILTY)

The Defendant previously appeared before the Court with counsel and entered a plea of guilty to the crimes of COUNT 1 – LURING CHILDREN OR MENTALLY ILL PERSONS WITH THE INTENT TO ENGAGE IN SEXUAL CONDUCT (Category B Felony) in violation of NRS 201.560, and COUNT 2 – STATUTORY SEXUAL SEDUCTION (Category C Felony) in violation of NRS 200.364, 200.368; thereafter, on the 27th day of October, 2015, the Defendant was present in court for sentencing with his counsel DAVID LOPEZ-NEGRETE, Deputy Public Defender, and good cause appearing,

THE DEFENDANT IS HEREBY ADJUDGED guilty of said offenses and, in addition to the \$25.00 Administrative Assessment Fee, Restitution in the amount of \$666.00, and \$150.00 DNA Analysis Fee including testing to determine genetic

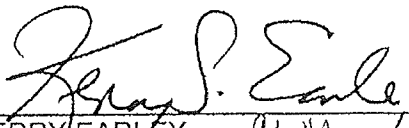
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1 markers, plus a \$3.00 DNA Collection Fee, the Defendant is sentenced as follows: As
2 to COUNT 1 - TO A MAXIMUM of SIXTY (60) MONTHS with a MINIMUM parole
3 eligibility of TWENTY-FOUR (24) MONTHS in the Nevada Department of Corrections
4 (NDC), and as to COUNT 2 - TO A MAXIMUM of SIXTY (60) MONTHS with a
5 MINIMUM parole eligibility of TWENTY-FOUR (24) MONTHS in the Nevada
6 Department of Corrections (NDC), Count 2 to run CONCURRENT with Count 1; with
7 ONE HUNDRED NINETY-SIX (196) days Credit for Time Served.
8

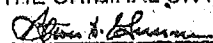
9
10 FURTHER ORDERED, a SPECIAL SENTENCE of LIFETIME SUPERVISION
11 is imposed to commence upon release from any term of imprisonment, probation or
12 parole. In addition, before the Defendant is eligible for parole, a panel consisting of
13 the Administrator of the Mental Health and Development Services of the Department
14 of Human Resources or his designee; the Director of the Department of Corrections or
15 his designee; and a psychologist licensed to practice in this state; or a psychiatrist
16 licensed to practice medicine in Nevada must certify that the Defendant does not
17 represent a high risk to re-offend based on current accepted standards of assessment.
18

19 ADDITIONALLY, the Defendant is ORDERED to REGISTER as a sex offender
20 in accordance with NRS 179D.460 within FORTY-EIGHT (48) HOURS after any
21 release from custody.
22

23 DATED this 27th day of October, 2015.

24
25 
26 KERRY EARLEY *CEM*
27 DISTRICT COURT JUDGE

28
29
30 CERTIFIED COPY
DOCUMENT ATTACHED IS A
TRUE AND CORRECT COPY
OF THE ORIGINAL ON FILE


CLERK OF THE COURT

11-18-15

Office of the Attorney General
100 North Carson Street
Carson City, NV 89701-4717

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EXHIBIT B

EXHIBIT B

1 GPA
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 ERCAN E. ISCAN
6 Chief Deputy District Attorney
7 Nevada Bar #009592
8 200 Lewis Avenue
9 Las Vegas, NV 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

FILED IN OPEN COURT
STEVEN D. GRIERSON
CLERK OF THE COURT

JUL 14 2015

BY: 
ROSHONDA MAYFIELD, DEPUTY

DISTRICT COURT
CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,
10 Plaintiff,

11 -vs-

12 KELLY RAY HOFFMAN,
13 #3007387

14 Defendant.

CASE NO: C-15-307444-1

DEPT NO: IV

GUILTY PLEA AGREEMENT

16 I hereby agree to plead guilty to: COUNT 1 - LURING CHILDREN OR
17 MENTALLY ILL PERSONS WITH THE INTENT TO ENGAGE IN SEXUAL
18 CONDUCT (Category B Felony - NRS 201.560 - NOC 51081) and COUNT 2 -
19 STATUTORY SEXUAL SEDUCTION (Category C Felony - NRS 200.364, 200.368 -
20 NOC 50115) as more fully alleged in the charging document attached hereto as Exhibit "1".

21 My decision to plead guilty is based upon the plea agreement in this case which is as
22 follows:

23 The State retains the right to argue at the rendition of sentence with both parties
24 stipulating to Counts being sentenced concurrently. Both parties waive any/all defects in the
25 pleadings.

26 I agree to the forfeiture of any and all electronic storage devices, computers, and/or
27 related equipment and/or weapons or any interest in any electronic storage devices, computers
28 and/or related equipment and/or weapons seized and/or impounded in connection with the

1 instant case and/or any other case negotiated in whole or in part in conjunction with this plea
2 agreement.

3 I understand and agree that, if I fail to interview with the Department of Parole and
4 Probation (P&P), fail to appear at any subsequent hearings in this case, or an independent
5 magistrate, by affidavit review, confirms probable cause against me for new criminal charges
6 including reckless driving or DUI, but excluding minor traffic violations, the State will have
7 the unqualified right to argue for any legal sentence and term of confinement allowable for the
8 crime(s) to which I am pleading guilty, including the use of any prior convictions I may have
9 to increase my sentence as an habitual criminal to five (5) to twenty (20) years, Life without
10 the possibility of parole, Life with the possibility of parole after ten (10) years, or a definite
11 twenty-five (25) year term with the possibility of parole after ten (10) years.

12 Otherwise I am entitled to receive the benefits of these negotiations as stated in this
13 plea agreement.

14 CONSEQUENCES OF THE PLEA

15 I understand that by pleading guilty I admit the facts which support all the elements of
16 the offense(s) to which I now plead as set forth in Exhibit "1".

17 I understand that as a consequence of my plea of guilty as to

18 Count 1, the Court must sentence me to imprisonment in the Nevada Department of
19 Corrections for a minimum term of not less than one (1) year and a maximum term of not more
20 than ten (10) years. The minimum term of imprisonment may not exceed forty percent (40%)
21 of the maximum term of imprisonment. I understand that I may also be fined up to \$5,000.00;
22 and, as to

23 Count 2, the Court must sentence me to imprisonment in the Nevada Department of
24 Corrections for a minimum term of not less than one (1) year and a maximum term of not more
25 than five (5) years. The minimum term of imprisonment may not exceed forty percent (40%)
26 of the maximum term of imprisonment. I understand that I may also be fined up to \$10,000.00.

27 I understand that the law requires me to pay an Administrative Assessment Fee.

28 //

1 I understand that, if appropriate, I will be ordered to make restitution to the victim of
2 the offense(s) to which I am pleading guilty and to the victim of any related offense which is
3 being dismissed or not prosecuted pursuant to this agreement. I will also be ordered to
4 reimburse the State of Nevada for any expenses related to my extradition, if any.

5 I understand that if I am pleading guilty to charges of Burglary, Invasion of the Home,
6 Possession of a Controlled Substance with Intent to Sell, Sale of a Controlled Substance, or
7 Gaming Crimes, for which I have prior felony conviction(s), I will not be eligible for probation
8 and may receive a higher sentencing range.

9 I understand that pursuant to NRS 176.139 and my plea of guilty to a sexual offense for
10 which the suspension of sentence or the granting of probation is permitted, P&P shall arrange
11 for a psychosexual evaluation as part of the Division's Presentence Investigation (PSI) Report
12 to the court.

13 I understand that I am not eligible for probation pursuant to NRS 176A.110 unless the
14 psychosexual evaluation certifies that I do not represent a high risk to reoffend based upon a
15 currently accepted standard of assessment. I understand that, except as otherwise provided by
16 statute, the question of whether I receive probation is in the discretion of the sentencing judge.

17 I understand that, before I am eligible for parole a panel consisting of the Administrator
18 of the Mental Health and Developmental Services of the Department of Human Resources or
19 his designee; the Director of the Department of Corrections or his designee; and a psychologist
20 licensed to practice in this state or a psychiatrist licensed to practice medicine in this state
21 certifies that I was under observation while confined in an institution of the department of
22 corrections and that I do not represent a high risk to reoffend based upon a currently accepted
23 standard of assessment.

24 I understand that, pursuant to NRS 176.0931, the Court must include as part of my
25 sentence, in addition to any other penalties provided by law, a special sentence of lifetime
26 supervision commencing after any period of probation or any term of imprisonment and period
27 of release upon parole.

28 //

1 I understand that the Court will include as part of my sentence, in addition to any other
2 penalties provided by law, pursuant to NRS 179D.441 to 179D.550, inclusive, I must register
3 as a sex offender within forty-eight (48) hours of release from custody onto probation or parole.

4 I understand that I must submit to blood and/or saliva tests under the direction of P&P
5 to determine genetic markers and/or secretor status.

6 I understand that if more than one sentence of imprisonment is imposed and I am
7 eligible to serve the sentences concurrently, the sentencing judge has the discretion to order
8 the sentences served concurrently or consecutively.

9 I understand that information regarding charges not filed, dismissed charges, or charges
10 to be dismissed pursuant to this agreement may be considered by the judge at sentencing.

11 I have not been promised or guaranteed any particular sentence by anyone. I know that
12 my sentence is to be determined by the Court within the limits prescribed by statute.

13 I understand that if my attorney or the State of Nevada or both recommend any specific
14 punishment to the Court, the Court is not obligated to accept the recommendation.

15 I understand that if the State of Nevada has agreed to recommend or stipulate a
16 particular sentence or has agreed not to present argument regarding the sentence, or agreed not
17 to oppose a particular sentence, such agreement is contingent upon my appearance in court on
18 the initial sentencing date (and any subsequent dates if the sentencing is continued). I
19 understand that if I fail to appear for the scheduled sentencing date or I commit a new criminal
20 offense prior to sentencing the State of Nevada would regain the full right to argue for any
21 lawful sentence.

22 I understand if the offense(s) to which I am pleading guilty to was committed while I
23 was incarcerated on another charge or while I was on probation or parole that I am not eligible
24 for credit for time served toward the instant offense(s).

25 I understand that if I am not a United States citizen, any criminal conviction will likely
26 result in serious negative immigration consequences including but not limited to:

- 27 1. The removal from the United States through deportation;
- 28 2. An inability to reenter the United States;

3. The inability to gain United States citizenship or legal residency;
4. An inability to renew and/or retain any legal residency status; and/or
5. An indeterminate term of confinement, with the United States Federal Government based on my conviction and immigration status.

Regardless of what I have been told by any attorney, no one can promise me that this conviction will not result in negative immigration consequences and/or impact my ability to become a United States citizen and/or a legal resident.

I understand that P&P will prepare a report for the sentencing judge prior to sentencing. This report will include matters relevant to the issue of sentencing, including my criminal history. This report may contain hearsay information regarding my background and criminal history. My attorney and I will each have the opportunity to comment on the information contained in the report at the time of sentencing. Unless the District Attorney has specifically agreed otherwise, then the District Attorney may also comment on this report.

WAIVER OF RIGHTS

By entering my plea of guilty, I understand that I am waiving and forever giving up the following rights and privileges:

1. The constitutional privilege against self-incrimination, including the right to refuse to testify at trial, in which event the prosecution would not be allowed to comment to the jury about my refusal to testify.
2. The constitutional right to a speedy and public trial by an impartial jury, free of excessive pretrial publicity prejudicial to the defense, at which trial I would be entitled to the assistance of an attorney, either appointed or retained. At trial the State would bear the burden of proving beyond a reasonable doubt each element of the offense(s) charged.
3. The constitutional right to confront and cross-examine any witnesses who would testify against me.
4. The constitutional right to subpoena witnesses to testify on my behalf.
5. The constitutional right to testify in my own defense.

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- 1 6. The right to appeal the conviction with the assistance of an attorney,
2 either appointed or retained, unless specifically reserved in writing and
3 agreed upon as provided in NRS 174.035(3). I understand this means I
4 am unconditionally waiving my right to a direct appeal of this conviction,
5 including any challenge based upon reasonable constitutional,
 jurisdictional or other grounds that challenge the legality of the
 proceedings as stated in NRS 177.015(4). However, I remain free to
 challenge my conviction through other post-conviction remedies
 including a habeas corpus petition pursuant to NRS Chapter 34.

6 VOLUNTARINESS OF PLEA

7 I have discussed the elements of all of the original charge(s) against me with my
8 attorney and I understand the nature of the charge(s) against me.

9 I understand that the State would have to prove each element of the charge(s) against
10 me at trial.

11 I have discussed with my attorney any possible defenses, defense strategies and
12 circumstances which might be in my favor.

13 All of the foregoing elements, consequences, rights, and waiver of rights have been
14 thoroughly explained to me by my attorney.

15 I believe that pleading guilty and accepting this plea bargain is in my best interest, and
16 that a trial would be contrary to my best interest.

17 I am signing this agreement voluntarily, after consultation with my attorney, and I am
18 not acting under duress or coercion or by virtue of any promises of leniency, except for those
19 set forth in this agreement.

20 I am not now under the influence of any intoxicating liquor, a controlled substance or
21 other drug which would in any manner impair my ability to comprehend or understand this
22 agreement or the proceedings surrounding my entry of this plea.

23 //

24 //

25 //

26 //


27 //

28 //


1 My attorney has answered all my questions regarding this guilty plea agreement and its
2 consequences to my satisfaction and I am satisfied with the services provided by my attorney.

3 DATED this 14 day of ~~June~~, 2015.

July

4
5 
6 KELLY RAY HOFFMAN
Defendant

7 AGREED TO BY:

8 
9 ERCANE E. ISCAN
10 Chief Deputy District Attorney
Nevada Bar #009592

1 CERTIFICATE OF COUNSEL:

2 I, the undersigned, as the attorney for the Defendant named herein and as an officer of
3 the court hereby certify that:

- 4 1. I have fully explained to the Defendant the allegations contained in the
5 charge(s) to which guilty pleas are being entered.
- 6 2. I have advised the Defendant of the penalties for each charge and the
7 restitution that the Defendant may be ordered to pay.
- 8 3. I have inquired of Defendant facts concerning Defendant's immigration
9 status and explained to Defendant that if Defendant is not a United States
10 citizen any criminal conviction will most likely result in serious negative
11 immigration consequences including but not limited to:
- 12 a. The removal from the United States through deportation;
- 13 b. An inability to reenter the United States;
- 14 c. The inability to gain United States citizenship or legal residency;
- 15 d. An inability to renew and/or retain any legal residency status;
16 and/or
- 17 e. An indeterminate term of confinement, by with United States
18 Federal Government based on the conviction and immigration
19 status.

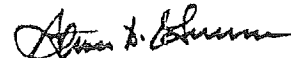
20 Moreover, I have explained that regardless of what Defendant may have
21 been told by any attorney, no one can promise Defendant that this
22 conviction will not result in negative immigration consequences and/or
23 impact Defendant's ability to become a United States citizen and/or legal
24 resident.

- 25 4. All pleas of guilty offered by the Defendant pursuant to this agreement
26 are consistent with the facts known to me and are made with my advice
27 to the Defendant.
- 28 5. To the best of my knowledge and belief, the Defendant:
- a. Is competent and understands the charges and the consequences of
pleading guilty as provided in this agreement,
- b. Executed this agreement and will enter all guilty pleas pursuant
hereto voluntarily, and
- c. Was not under the influence of intoxicating liquor, a controlled
substance or other drug at the time I consulted with the Defendant
as certified in paragraphs 1 and 2 above.

Dated: This 14 day of June, 2015.

hjc/SVU

ATTORNEY FOR DEFENDANT


CLERK OF THE COURT

INFM
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
ERCAN E. ISCAN
Chief Deputy District Attorney
Nevada Bar #009592
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

I.A. 06/30/2015
1:00 PM
PUBLIC DEFENDER

THE STATE OF NEVADA,
Plaintiff,

CASE NO: C-15-307444-1

-vs-

DEPT NO: IV

KELLY RAY HOFFMAN,
#3007387
Defendant.

INFORMATION

STATE OF NEVADA }
COUNTY OF CLARK } ss.

STEVEN B. WOLFSON, District Attorney within and for the County of Clark, State of Nevada, in the name and by the authority of the State of Nevada, informs the Court:

That KELLY RAY HOFFMAN, the Defendant above named, having committed the crimes of COUNT 1 - LURING CHILDREN OR MENTALLY ILL PERSONS WITH THE INTENT TO ENGAGE IN SEXUAL CONDUCT (Category B Felony - NRS 201.560 - NOC 51081) and COUNT 2 - STATUTORY SEXUAL SEDUCTION (Category C Felony - NRS 200.364, 200.368 - NOC 50115) in the manner following:

That the said Defendant, on or about the 14th day of April, 2015, at and within the County of Clark, State of Nevada, contrary to the form, force and effect of statutes in such cases made and provided, and against the peace and dignity of the State of Nevada,

//

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1 COUNT 1 - LURING CHILDREN OR MENTALLY ILL PERSONS WITH THE INTENT
2 TO ENGAGE IN SEXUAL CONDUCT

3 did, then and there, willfully and feloniously and knowingly contact or communicate
4 with, or attempt to contact or communicate with D.T., who is less than 16 years of age and
5 who is at least 5 years younger than the defendant, or a person who the defendant believed to
6 be a child less than 16 years of age and at least 5 years younger than the defendant, regardless
7 of the actual age of the person, with the intent to persuade, lure or transport the said child away
8 from her home or from any location known to her parent or guardian or other person legally
9 responsible for the child without the express consent of the parent or guardian or other person
10 legally responsible for the child and with the intent to avoid the consent of the parent or
11 guardian or other person legally responsible for the child, the Defendant committing the crime
12 in the following manner, to-wit: by texting the said D.T. to come to his residence to engage in
13 sexual conduct, Defendant possessing the intent to engage in sexual conduct with the child or
14 mentally ill person or to cause the child or mentally ill person to engage in sexual conduct.

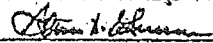
15 COUNT 2 - STATUTORY SEXUAL SEDUCTION

16 did, then and there, willfully, unlawfully and feloniously engage in fellatio and/or
17 cunnilingus and/or digital penetration with D.T., a child under the age of sixteen years, the
18 Defendant being 21 years of age or older, by said Defendant placing his penis and/or mouth
19 and/or tongue and/or finger(s) on and/or into the genital opening of the said D.T.

20 STEVEN B. WOLFSON
21 Clark County District Attorney
Nevada Bar #001565

22 BY /s/ ERCAN E. ISCAN
23 ERCAN E. ISCAN
24 Chief Deputy District Attorney
Nevada Bar #009592

25
26
27 DA#15FH0550X/hjc/SVU
28 LVMPD-EV#1504121069
(TKNA) CERTIFIED COPY
DOCUMENT ATTACHED IS A
TRUE AND CORRECT COPY
OF THE ORIGINAL ON FILE


CLERK OF THE COURT

11-18-15

Exhibit “1B”

Exhibit “1B”

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Kelly Hoffman #1149367
High Desert Prison
22010 Cold Creek Rd,
Indian Springs, NV 89070

2. Article Number
(Transfer from service label)

7012 1640 0001 2579 5464

PS Form 3811, February 2004

COMPLETE THIS SECTION ON DELIVERY**A. Signature**

X

[Signature]

☐ Agent

☐ Addressee

B. Received by (Printed Name)

S. Hoffman

C. Date of Delivery

2/11/66

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below: ☐ No

3. Service Type

☐ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

Domestic Return Receipt

102595-02-M-1540

**NOTICE OF INTENT TO CONSIDER CHARACTER, MISCONDUCT,
COMPETENCE OR HEALTH OF A PERSON. NRS 241.033**

STATE BOARD OF EDUCATION

700 E. Fifth Street
Carson City, NV 89701
Phone: (775) 687-9200
Fax: (775) 687-9101

March 29, 2016

Via U.S. and Certified Mail

Kelly Hoffman
High Desert Prison
22010 Cold Creek Rd,
Indian Springs, NV 89070

Re: Notice of meeting of the State Board of Education to consider your
character, alleged misconduct, competence, or health.

Dear Mr. Hoffman:

In connection with your teacher license, on February 10, 2016, a Petition and Recommendation for Revocation of License and Notice of Right to Hearing ("Petition and Notice") was filed with the State Board of Education ("Board") and mailed to you via certificated mail. The Petition and Notice informed you of your right to request a hearing before a hearing officer by filing a written request within fifteen days from receipt of the Petition and Notice. Enclosed for your convenience is a copy of the Petition and Recommendation for Revocation of License.

As you have failed to request such a hearing, the Board will be requested to move forward with revocation of your license and may consider your character, alleged misconduct, competence, or health at its meeting on April 28, 2016. **The meeting will begin at 9:00 a.m. at 700 E. Fifth Street in Carson City, Nevada and (via video conference) at 9890 South Maryland Parkway, Board Room, Las Vegas, Nevada.** The meeting is a public meeting, and you and/or your legal counsel are welcome to attend at either location. The Board may go into closed session or remain in an open meeting to consider the following general topics: your teacher license; the Petition and Notice; the Judgment of Conviction entered by the Eighth Judicial District Court of the State of Nevada; and matters properly related thereto. You are welcome to attend the closed session and/or open meeting, have an attorney or other representative of your choosing present during the closed session and/or open meeting and present written evidence, provide testimony, and present witnesses relating to your character, alleged

Kelly Hoffman
March 29, 2016
Page 2

misconduct, professional competence, or physical or mental health.

If the Board determines it necessary, after considering your character, alleged misconduct, professional competence, or physical or mental health, whether in a closed meeting or open meeting, it may also take administrative action against you at this meeting, which could include suspending or revoking your teacher license. This informational statement is in lieu of any notice that may be required pursuant to NRS 241.034.

This notice is provided to you under NRS 241.033 and NRS 241.034.

Sincerely,

Karen Johansen
Board Secretary

Enc.

Exhibit “1D”

Exhibit “D”

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Kelly Hoffman #1149367
High Desert Prison
22010 Cold Creek Rd
P.O. Box 650
Indian Wells, NV 89070

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *[Signature]*

- ☐ Agent
☐ Addressee

B. Received By (Printed Name)

Jennifer Chang

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below:

☒ No

3. Service Type

- ☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7013 2630 0001 9311 2933